

OLON TOWNSHIP PLANNING COMMISSION

Tuesday, June 8, 2021, 7:00pm

Solon Township Hall

9191 S. Kasson St., Cedar, MI 49621

I. Call Meeting to Order/Pledge of Allegiance

Chair Morgan called the meeting to order at 7:04pm with the Pledge of Allegiance and a moment of silence.

II. Roll Call/Guest Sign-in

Present: Al Laskey, Member; Steve Morgan, Chair; Meg Paxton, Member; Lisa Rossi, Member; Samantha Vandervlucht, Member, Todd Yeomans, Vice Chair/ZBA Rep and Steve Yoder, Township Board Rep

Guests: Doug Fierberg, Judy Janisik, Mary O'Neill, Michael Pensinger, Karen Smith, Ryan Thompson

III. Motion to Approve Minutes – May 12, 2021

Chair Morgan asked for a motion to approve minutes as presented. Yoder advised the spelling of Judy Janison needs corrected to Janisik. Laskey moved to approve the May 12, 2021, minutes as corrected; Yeomans seconded. All in favor, motion carried.

IV. Agenda – June 8, 2021

Chair Morgan asked for motion to approve the agenda as presented. Laskey moved to approve the June 8, 2021, agenda as presented; Morgan seconded. All present in favor, motion carried.

V. Correspondence – None.

VI. Public Comment – Doug Fierberg stated he supports the expansion of the building for Leelanau Automotive and feels it is good for the community.

Fierberg stated that it is strange the issue of the referendum of Robinson Development Amendment has not been documented by the township board or the planning commission to reflect that it was overruled by a three to one vote in the community. Fierberg reported this should be on the record as the election means something about the future development on M72 with respect to the Master Plan.

VII. Conflicts of Interest – None reported at this time.

VIII. Reports

Township Board Rep: Yoder reported at the May 13, 2021, township board meeting, Corey Flaska presented a proposal for approval of additional homes for the 80 acres off Lautner Road, which would mean the township board would have to approve a higher density. Yoder advised this is on the June township board agenda to have more discussion.

Yoder reported that John Popa, Road Commission, advised of the closure of Bugai Road from M72 to Lincoln Road in Cedar.

Yoder advised that the board approved more boat washing stations with grant received.

Yoder advised the new playground equipment arrived and that Mary Taylor is looking for a contractor to oversee the take down and installation.

Yoder stated that the board has given the Zoning Administrator the go ahead with the Delmoupied violation.

ZBA Rep: Yeomans advised nothing to report at this time.

Zoning Administrator: Cypher reviewed the Zoning Administrator reports for May 2021 provided to Planning Commission members prior to June meeting. Cypher reported he is working with legal counsel on Delmoupied violation and Delmoupied is working with the Michigan Department of Agriculture & Rural Development (MDARD) to see if he can get any help. Cypher advised that he is expecting to hear from MDARD that there is nothing they can do and that by late June there should be a recommendation from legal counsel with the expectation that the Delmoupied violation will be on the July agenda.

Cypher stated he wanted to thank Mary O'Neil and Mark Polinko for their help in simplifying the standard and incorporating changes discussed at the May 12, 2021, meeting.

IX. Public Hearing – Ryan Thompson

Chair Morgan confirmed with Zoning Administrator the procedure for beginning public hearing. Morgan advised the public hearing to begin at 7:14pm. Morgan asked Ryan Thompson, owner of Leelanau Automotive to present on the proposed application for expansion.

- A. Presentation by Applicant –Thompson reviewed the proposal to expand the existing facility with the addition of a new building with the intention of doing more of the same business at Leelanau Automotive. Thompson advised despite repeated contacts, Thompson has not had a response from the Road Commission, with all fees and application completed. Thompson advised he emailed documentation of the Road Commission contacts to the Zoning Administrator.

Thompson reported that he provided a letter in conjunction with his neighbor, Michael Pensinger, to put up a privacy fence on the shared property line Thompson paying for ½ the expense.

- B. PC Questions / Discussion with Applicant - Yoder confirmed with Thompson that lighting may include a porch light over entrance. Thompson advised that the oil waste is burned as a heat source with tires being removed on a bi-monthly basis. Thompson reported he is waiting to hear from the road commission but minimal changes to driveway are being proposed, along with a couple of additional parking spaces to be added to offset lost parking due to the new building. Cypher advised he believes the road commission is planning to classify this as a small business with no expectation that a curb approach will be necessary.
- C. Staff Comments (ZA/Planner) - Cypher advised that the application is deemed completed and that Thompson has provided everything required. Cypher recommends making approval conditional on reasonable and acceptable conditions by road commission as nothing is in writing. Cypher stated he has provided a Findings of Fact with highlighted areas of discussion.
- D. Public Comment – Doug Fierberg stated that Leelanau Automotive is a good neighbor, a good business and the township needs to make this happen.
- E. Applicant’s Response to Public Comment, directing statements to PC – No further comment currently.
- F. PC further discussion with staff (if required) – No further discussion currently.
- G. Close Public Hearing – Chair Morgan advised the public hearing is closed at 7:26pm.
- H. Deliberations with PC members / questions of applicant if needed / Findings of fact – Cypher confirmed with Chair and all other planning commission members to go over highlighted sections for discussion as other sections have been met.

Section 24.06.2.i – Cypher advised as no signage change that this section is met, with Thompson working with the road commission. Cypher recommended an amendment that Thompson can start building prior to road commission conditions being met. All planning commission members are all in agreement.

Section 24.06.2.j – Cypher reported that no fire lanes have been described with fire chief already being out at the site and reporting no issues. Consensus from all planning commission members is that they agree.

Section 24.06.2.r – Cypher advised that the lighting condition will be met as Thompson advised a porch light over doorway of new building is all that is being proposed. Cypher recommended that a condition that any future lighting meet

planning commission ordinance. All planning commission members reported they are in agreement.

Section 24.06.2.u; w and x – Cypher confirmed with all planning commission members in agreement that these conditions are met.

Section 24.06.2.aa – Cypher confirmed with all planning commission members that no other items to discuss so far.

Section 24.06.2.bb – Cypher advised that for now there are no further data other than what has been discussed. All planning commission members agreed.

Section 24.07.1.b – Cypher confirmed with all planning commission members in agreement that there are no issues with respect to relationship to proposed buildings to the environment.

Section 24.07.1.c – Landscape Preservation – Cypher confirmed with Thompson that no changes to current landscape are expected. All planning commission members in agreement this condition has been met.

Section 24.07.1.f – Cypher advised that he feels the security, fire and emergency access has been met along with statement from the Fire Chief no concerns in the area. All planning commission members in agreement this condition has been met.

Section 24.07.2.b – Cypher confirmed with Thompson that a soil erosion permit has not been received and will be required. All planning commission members in agreement.

Section 24.07.3.a – Architectural Elements, Scale – Cypher advised the proposed structure looks to be consistent with what is on site, and this condition has been met with all planning commission members in agreement.

Section 24.07.3.b – Height to width ratio – All planning commission members in agreement with zoning administrator that this condition is met.

Section 24.07.3.c – Exterior Lighting – Cypher confirmed that any exterior lighting will meet all zoning ordinance requirements. All planning commission members agree.

Section 24.07.3.d – Solar and wind exposure, privacy views, access, drainage, and noise - Cypher reported that the drainage will be part of the soil erosion permit and confirmed with planning commission members that they have no additional concerns for this condition.

Section 24.07.4 – Additional requirements - Cypher confirmed with Thompson that storage of hazardous waste materials does not apply as Leelanau Automotive

is classified as a dry shop and has just passed the phase one inspection with no issues. Cypher advised a copy of the phase one inspection is to be provided to the Zoning Administrator by Thompson. All planning commission members in agreement for this condition.

Section 24.09 – Landscaping, Screening, Greenbelts, Buffers and Fencing – At Chair Morgan’s request, Cypher read into record the letter from Leelanau Automotive neighbor:

To Whom it May Concern:

I, Michael Pensinger, owner of 9176 S. Kasson Street property, has agreed with Ryan Thompson, owner of Leelanau Auto, to build a wooden privacy fence running the length of the shared property line. The wooden privacy fence will minimize impact to the 9176 S. Kasson Street residential property from the commercial activity property, Leelanau Auto. Ryan Thompson has agreed to split the cost with a contribution estimated at about \$1,200.

Signed by Ryan Thompson and Michael Pensinger.

Thompson confirmed with zoning administrator that the length of fencing is 275 feet and 6 foot high. Chair Morgan confirmed no other concerns with Pensinger in agreement. All planning commission members in agreement with this condition of fencing.

Section 24.10 – Final Development Site Plan Approvals – Cypher stated as Thompson is under other regulatory jurisdiction of the State with all necessary documents to be received that this condition will be met. All planning commission members in agreement.

Section 24.11 – Conditions of Final Approval – Cypher advised Thompson has provided all necessary documents and he feels the planning commission may approve or deny with conditions to the applicant’s site plan. Discussion followed whether a performance guarantee or other type of security is necessary. Cypher reported that review steps are in place with respect to the land-use permit, completion, and occupancy. All planning commission members in agreement.

Section 24.13 – Time Limit for Approved Site Plans – Cypher confirmed with Thompson that a starting date of late summer to early fall with no reason currently for planning commission to grant an extension. All planning commission members in agreement.

- I. PC Motions/Action – Yoder moved to approve the Thompson Site Plan application for an addition of a new commercial building with the conditions set forth on the June 8, 2021, Findings of Fact Review; Laskey seconded. All present in favor, motion carried.

X. New Business

A. No new business.

XI. Unfinished business

A. Review Zoning Ordinance Article Draft – Landscaping – Final Draft

Cypher recommends that planning commissioners review the printed copy provided at tonight's meeting prior to July's meeting. Cypher advised with planning commission members in agreement, to bring or email any recommendations, changes or questions for the review of this draft at the July meeting. Discussion followed. Rossi moved to table Item XI.A. until the July 6, 2021, Planning Commission meeting; Yeomans seconded. All present in favor, motion carried.

Mary O'Neill advised that a chart was added from page 9 of the draft that was taken from the internet to clarify any confusion on page 8, Section 34.07D. Discussion followed. Paxton advised that a new graphic, which Paxton will provide, is necessary due to any potential copyright infringement. Cypher advised that Fenton Township has given Solon Township to use their any of their landscaping ordinance document as needed.

B. Review uses in all zoning districts to determine Use by Right or Special Land Use Agricultural/Conservancy (A/C) District – Section 5.01.2 – Cypher advised that wildlife management areas section could be moved to Section 5.03 (Special Land Uses). Discussion followed regarding a previous hunting refuge. All planning commissioners in agreement to move Section 5.01.2 to Section 5.03. Discussion followed. Cypher advised he will make necessary language changes to special land use permit, Section 5.03, so that a plant sanctuary would not go through the entire process.

Section 5.03.13 (Extraction Operations) – Chair Morgan reported on the previous planning commission board wanting to strike this section. Discussion followed. Cypher advised that the state Senate has voted yes to approve the bill to that exempt local governments from issuing gravel mining permits. Discussion followed. Cypher advised that very few townships have a gravel district apart from Kasson Township as gravel is their resource. All planning commission members in agreement to strike Section 5.03.13. More discussion followed. Cypher stated if the state bill passes, gravel pits will be protected like farms throughout the state.

Discussion followed regarding permanent sawmills. Cypher advised that the temporary sawmill normally runs a month or two, which is considered reasonable.

Residential/Agricultural (R/A) District – Section 6.01.2 and 3 – Cypher advised churches must be allowed. Discussion followed. Cypher advised that if churches remain under permitted public uses, there would be one meeting with the site plan review. More discussion. Cypher advised that churches are a commercial use and if this is moved to special land use rather than permitted principal uses, it gives the ability to the planning commission to send a public notice to all residents within 300 feet. More discussion about importance of notifying the public. Cypher advised one

reason for moving this section is for the public notification and community input. Laskey stated that it is good for public to be notified throughout the entire process. Yeomans advised that the letters could state that the church location cannot be moved but the public can have input on conditions of the land use. Yoder confirmed with Cypher that conditions can be put on the land use whether the churches are under permitted principal or special land use. All planning commissioners in agreement to move Section 6.01.2 and 3 to Section 6.03 (Special Land Uses).

R/A District – Section 6.01.2 - Cypher reported that under special land uses 20 acres are needed for beekeeping, poultry, and egg production with 40 acres for large/small animal breeding, raising, training, stabling, or kenneling could be challenged under minimum size. Discussion followed about challenges to the acreage minimums. All planning commission members in agreement to keep this section as stated.

Residential Districts (R1) – Section 7.01.2 and 3 – All planning commission members in agreement to move churches and libraries to Section 7.03 (Special Land Uses).

Residential Districts (R2) – Section 8.01.3; 4 and 5 – Cypher reported duplexes are allowed with multi-family dwellings being commercial. Cypher recommends moving multi-family dwelling, churches, and libraries to Section 8.03 (Special Land Use). Discussion followed regarding differences of duplex and multi-family dwellings. All planning commission members in agreement to move Section 8.01.3; 4 and 5 to Section 8.03 (Special Land Uses).

Governmental District – Section 9.01.1 to 12 – Discussion followed regarding current principal permitted (9.01) to special land uses. All members in agreement to strike section 9.01 and move to Section 9.03, which will be renumbered to 9.02 (Special Land Uses).

Resort Recreation District – Section 10.01.3 – Discussion followed about moving libraries from 10.01.3 to 10.03 (Special Land Uses). All planning commission members in agreement.

Business District 1 (B-1) – Section 11.01.5 and 6 – Cypher stated that the intent is to move churches and libraries to special land use. Discussion followed about moving other uses. All planning commission members in agreement to move 11.01.5 and 6 to 11.03 (Special Land Uses).

Business District 2 (B-2) – Section 12.01 – Cypher reported this district is manufacturing and businesses, with most townships moving all permitted uses to special land uses so residents within 300 feet will get a letter. Discussion followed. All members in agreement to strike section 12.01 and move to Section 12.03, which will be renumbered to 12.02 (Special Land Uses).

XII. Other Items

- A. Cypher reported there is a hearing today by the Michigan Senate on short-term rentals and removing jurisdiction from the location townships. Discussion followed. Cypher advised that the township can still regulate nuisance (e.g. noise and parking).
- B. Discussion followed about Fierberg's public comment regarding the Robinson Development Amendment being put on record. Discussion followed. The planning commission members are all in agreement that since this is recorded in public comments, there is no need.

XIII. ZA/Planning Commission Comment – Laskey had a question of the status of the Flaska permit. Cypher advised the final project documents, including the updated bylaws and master deed, have been received and forwarded to legal counsel review with the expectation to have this discussion on July's meeting agenda.

XIV. Public Comment

Judy Janisik stated the importance of the 300-foot letters, with the Planning Commission needing to be as transparent as they can. Janisik had a question about action on the Delmoupied violation with Cypher advising that it most likely will result in legal action.

Karen Smith stated that obviously with the referendum the public is interested in what the Planning Commission does and keeping the public informed is especially important. Smith advised the public has come out strong over the last couple of years, with it being nice to keep public informed.

XV. Adjournment: There being no objection, Chair Morgan adjourned the meeting at 8:59pm

The next meeting is scheduled for Tuesday, July 6, 2021, at 7:00pm, at the Solon Township Hall.

Respectfully Submitted

Sandra Dunkin, Recording Secretary

Date Approved: July 6, 2021